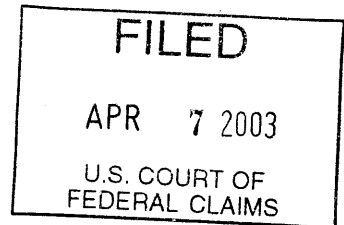


IN THE UNITED STATES COURT OF FEDERAL CLAIMS

NO. 03-445C

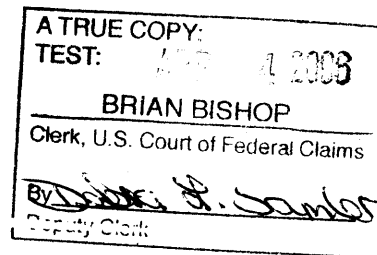
JUDGE NANCY B. FIRESTONE



by leave of the Judge

TEXAS PEANUT FARMERS: BILLY M.)
BARNES; JACOB F. BOSCHMAN; DARRELL)
WAYNE BROWN; WILLIAM DWAIN)
CARROLL; RANDY D. DECKER; LORAIN)
FISCHER ESTATE; BILL GAYLE; JAY)
GRIMSHAW; DAVID and PAM GROSCHE;)
MELVIN O. ISELT; LORINE B. ISELT; TOMMY)
JOHNSON; PORTER JONES; LUTHER DON)
KEITH; ROBERT D. KEITH; RONALD SCOTT)
KOONCE; LOYAL LASITER; R. S.)
LAWRENCE; DAVID GENE LEHMANN;)
PHILIP S. LEWIS; J. W. LOGAN; TERRY M.)
MATHIS; TIMOTHY L. MATTHEWS; BILLY R)
MEADORF; TOMMIE R. MERCER; SAMMY)
MORGAN; DELBERT L. OTWELL; LEON A.)
PELZEL; GLYNN PENNINGTON; MIKE)
QUATTRIN; WALTER DONALD REGISTER;)
ELMER WAYNE REYNOLDS, JR.; JOE)
ROBINSTON ESTATE; GWEN SCARBROUGH;)
JIMMY SEAY; BILLY W. SHANNON; BILLY)
NEAL SHANNON; TERRY LEE STACY;)
BRADLEE DAVIN STACY; TROYAT)
UNDERWOOD; CLARENCE C.)
WASCHSMANN; SUVELLA WALKER; JULIUS)
WELLS ESTATE; WANDA WINTER; PEGGY S.)
WOODS; HEIDI and JOE ED WORD; A.L.H.M.)
Inc; F.A.C.E., INC.; WADE PENNINGTON &)
SONS FARMS, FN 4798; WADE PENNINGTON)
& SONS FARMS, FN 5868; M. E. WATSON)
FARMS, INC.; **GEORGIA PEANUT FARMERS:**)
BRADFORD L. CARROLL; EDWIN CLARK;)
MICHAEL H. COBB; WALTER L. DAVENPORT;))
TREY HAMILTON DUNAWAY; JOHN L.)
EUBANKS; ERIC S. GIBBS; JOSEPH GWINES;)
ROBIN GWINES; DANNY W. HAWKINS;)
STEVE E. HOUSTON; CHARLES L. ISRAEL;)
JUSTIN ISRAEL JOHNSON; WILLIAM G.)
JONES; LARRY JONES; SHERWOOD T. KING;)
ROBERT A. LANCASTER; JIMMY M.)
McCLURE; ANN G. McCLURE; ROYCE)
McCRARY; TIMOTHY E. McMILLAN;)

AFFIDAVIT OF SERVICE
OF COMPLAINT ON
ROSS J. DAVIDSON



ad

MARVIN MOSS; CLIFFORD L. OLIVER;)
WILLIE J. PROTHO; BILLY SENKBEIL; DAN)
W. SMITH; CHARLES E. SMITH, JR.; EUGENE)
WILLIAMS; and GRIGGS FARMS; **ALABAMA**)
PEANUT FARMERS: TERRY E. BEASLEY;)
LLOYD D. BRYANT; ELAINE O. BRYANT;)
LARRY WOOD MARSHALL; **FLORIDA**)
PEANUT FARMERS: JAMES C. BARNES;)
BRUCE GODWIN; JOSEPH M. DIAMOND;)
DONNIE FRANK LWRY; ALLAN EDWARDS;)
SOUTH CAROLINA PEANUT FARMERS:)
WALLACE A. BERRY; WILLIAM R. MARSH;)
and OTHERS SIMILARLY SITUATED,)
Plaintiffs,)

vs.)

ROSS J. DAVIDSON, ADMINISTRATOR FOR)
RISK MANAGEMENT AGENCY, RISK)
MANAGEMENT AGENCY, UNITED STATES)
OF AMERICA, ANN M. VENEMAN,)
SECRETARY OF AGRICULTURE FOR THE)
UNITED STATES OF AMERICA, UNITED)
STATES DEPARTMENT OF AGRICULTURE,)
RON BERRYHILL, RMA REGIONAL OFFICE)
DIRECTOR, Oklahoma City, Oklahoma; and)
MIKE MOORE, RMA REGIONAL OFFICE)
DIRECTOR, Valdosta, Georgia,)
Defendants.)

The undersigned, being duly sworn, deposes and says as follows:

1. That I am Plaintiffs' counsel in this case, over the age of eighteen, under no legal disabilities, and qualified to provide this affidavit.
2. That a Complaint was filed against the Defendants and subsequently was served on Ross j. Davidson, Administrator for Risk Management Agency, of USDA, Certified Mail, Return Receipt Requested on March 12, 2003. The postal registry receipt is attached hereto and incorporated herein by reference as evidence of service of process.
3. That the above statements are true to the best of my knowledge and belief.

This the 21st day of March, 2003.

BOYCE & ISLEY, PLLC

R. Daniel Boyce

R. Daniel Boyce

N.C. State Bar #12394

Attorneys for Plaintiff

Post Office Box 1990

Raleigh, NC 27602-1990

Telephone: (919) 833-7373

Facsimile: (919) 833-7536

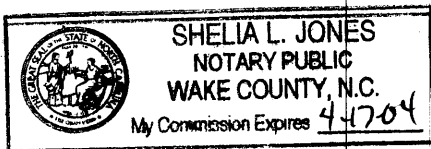
Sworn to and subscribed before me

this the 21st day of March, 2003.

Shelia L. Jones

Notary Public

My commission expires: 4-17-04



CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that I have served a copy of the foregoing **Affidavit of Service of Complaint on Ron Berryhill** by regular, first-class United States mail, postage fully pre-paid, addressed to the last known address to me as follows:

Ann M. Venman
Secretary, U. S. Department of Agriculture
200-A Whitten Building
1400 Independence Avenue, S.W.
Washington, DC 20250

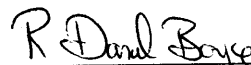
The Honorable John Ashcroft
United States Attorney General
511 Main Justice Building
Washington, DC 20530

Mr. Ron Berryhill
Director - Oklahoma City, OK
USDA-RMA
205 NW 63rd St., Ste. 170
Oklahoma City, OK 73116

Mr. Mike Moore
Director - Valdosta, GA
USDA-RMA
106 S. Patterson St., Ste. 250
Valdosta, GA 31601-5609

Mr. Ross Davidson
Administrator, Risk Management Agency
1400 Independence Avenue, SW
Stop 0801
Washington, DC 20250-0805

This the 21st day of March, 2003.



R. Daniel Boyce
N.C. State Bar No. 12329
Post Office Box 1990
Raleigh, North Carolina 27602-1990
Telephone: (919) 833-7373
Facsimile: (919) 833-7536

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ross J. Davidson, Admin.
RMA
1400 Independence Ave.
Stop 0801
Washington, DC 20250-
0805 SW

2. Article Number

(Transfer from service label)

7099 3400 0016 7981 7241

PS Form 3811, August 2001

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

PAT WHITSETT

C. Date of Delivery

3-12-03

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

Domestic Return Receipt

102595-02-M-1035

Docket No. 33-445

UNITED STATES COURT OF FEDERAL CLAIMS

MEMORANDUM

TO: JUDGE [Signature]
 FROM: CLERK'S OFFICE

The attached was received on 3-31-03
 and the following defect(s) is/are noted:

1. ☐ Untimely, due to be filed by _____ [Rule 7.1]
2. ☐ Proof of service: [Rule 5.1]
 - ☐ is missing; ☐ is not signed and/or dated;
 - ☐ shows service on wrong attorney or of wrong item;
 - ☐ is not attached to each document or copy
3. ☐ Not signed by the attorney of record [Rules 11 and 83.1(c)(2)]
4. ☐ Does not comply with the provisions of Rule:
 - ☐ 5.2(a)(1)(A) Re: table of contents or index to appendix is missing (or in wrong location)
 - ☐ 5.2(a)(1)(G) Re: index to appendix is to be located in both the front of the brief and in front of the appendix
 - ☐ 5.2(b) Re: length of briefs or memorandum
 - ☐ 5.3(c) Re: binding
 - ☐ 5.3(d) Re: original/copies missing
 - ☐ 5.3(g) Re: Judge's name on all filings
 - ☐ 7(b) Re: brief, supporting memorandum, affidavits shall be attached to motion
 - ☐ 56(h) Re: proposed findings and/or response to proposed findings is missing or not a separate document
 - ☐ 56.1(b) Re: statement of facts and/or counter-statement of facts is missing or not a separate document
 - ☐ 77.1(a) Re: improper use of the night box
 - ☐ 83.1(c)(1) Re: one attorney for a party; attorney to be an individual not a firm
 - ☒ 10(a) Re: caption of defendant
5. ☐ Original affidavit(s)/declaration(s) is/are missing
6. ☒ No provision in the Rules for the filing of this item Permitted to Rule 4.
7. ☐ the clerk noted since

[Signature]
 Deputy Clerk